

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

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In re:

Chapter 7

Dianne Lynn. Lunn

Case No. 16-20163-PRW

Debtor.

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Dianne L. Lunn

Adv. No: 2-16-02014

Plaintiff,

-against-

NOTICE OF MOTION TO DISMISS

WestVue NPL Trust II,

Hearing Date and Time:
June 23, 2016 at 9:00 am

Judge: Hon. Paul R. Warren

Defendant.

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PLEASE TAKE NOTICE that upon the annexed Affirmation of Michael C. Manniello, of Peter T. Roach and Associates, P.C., and all the exhibits annexed thereto WestVue NPL Trust II ("Movant") will move this Court pursuant to F.R.B.P. 7012, F.R.Civ.P. Rule 12(b)(1) and (6) as set forth below:

JUDGE: Paul R. Warren

RETURN DATE AND TIME: June 23, 2016 at 9:00 am

COURTHOUSE: US Bankruptcy Court, W.D.N.Y.
100 State Street
Rochester, NY 14614

RELIEF REQUESTED: An Order granting Movant the following relief: dismissal of the complaint herein pursuant to F.R.B.P. 7012 and F.R.Civ.P. Rule 12(b)(1) as the court does not have subject matter jurisdiction over this matter as the validity of the Defendant's lien is a state court matter; F.R.Civ.P. Rule 12(b)(6) as Plaintiff has failed to demonstrate any set of facts upon which relief should be granted and for such other, further and different relief as to this Court may deem just, proper and equitable.

BASIS FOR RELIEF: various defenses pursuant to F.R.Civ.P. 12(b)(1) and (6) as stated above.

PLEASE TAKE FURTHER NOTICE that answering affidavits, if any, to the relief requested, must be served upon and received by the undersigned at the address stated and filed with the Clerk of the United States Bankruptcy Court for the Western District of New York at United States Bankruptcy Court, 100 State Street, Rochester, NY 1461 no later than five (5) days prior to the return date of this motion.

Dated: Syosset, New York
May 26, 2016

s/ Michael C. Manniello
Michael C. Manniello (3136)
Peter T. Roach and Assoc., P.C.
Attorney for Defendant
6901 Jericho Turnpike, Suite 240
Syosset, NY 11791
516.938.3100 (x 336)

TO: Dianne Lynn Lunn